

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/05-01/08

Date: 24 January 2014

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*V. JEAN-PIERRE BEMBA GOMBO***

Public Document

With Confidential Annex A and Confidential Annexes 1 to 40

**Prosecution's Request for Reclassification of 40 admitted Documents as Public and
for Application of Redactions**

Source: The Office of the Prosecutor

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

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I. Background

1. On 11 December 2013, Trial Chamber III (“Chamber”) issued its “Order on the classification of items admitted into evidence”.¹ The Chamber referred to 583 items of evidence admitted in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”) and ordered, *inter alia*, the parties and participants “to review the level of confidentiality of all items originating from them”,² and “to request that the Chamber reclassify as public, with or without redactions, [admitted evidentiary] items in relation to which the reasons for maintaining their confidentiality no longer exist...”³ The Chamber set the time limit of 10 January 2014.

2. On 6 January 2014, the Office of the Prosecutor (“Prosecution”) requested a time extension until 24 January 2014 to provide the Chamber with proposed redactions to 40 documents (out of the 583 items admitted into evidence), consisting of witness statements and expert reports (“40 admitted documents”), currently classified as confidential, in order to enable their reclassification as public documents.⁴

3. On 9 January 2014, the Chamber granted the Prosecution’s request for an extension of time limit until 24 January 2014 (“9 January Decision”) to propose redactions and request the reclassification of the 40 admitted documents.⁵

4. On 10 January 2014, the Prosecution submitted a chart listing all the items admitted into evidence - except the above-mentioned 40 admitted documents - either requesting

¹ ICC-01/05-01/08-2921, Order on the classification of items admitted into evidence, 11 December 2013.

² *Ibid.* at para. 4 (a).

³ *Ibid.* at para. 4 (d).

⁴ ICC-01/05-01/08-2926, Prosecution’s Application for Extension of Time Limit to Submit Proper Redactions of Admitted Evidence, 6 January 2014.

⁵ ICC-01/05-01/08-2929, Decision on “Prosecution’s Application for Extension of Time Limit to Submit Proper Redactions of Admitted Evidence”, 9 January 2014.

the reclassification as public, or explaining the reasons to maintain the confidentiality of the document.⁶

II. Request for Confidentiality

5. The Prosecution requests that the annexes be received by the Chamber as confidential, as Annex A refers to materials that are currently confidential, and Annexes 1 to 40 are witness statements and expert reports that are currently confidential and contain information for which redactions are sought.

III. Prosecution's request and appended annexes

6. In compliance with the 9 January Decision, the Prosecution, after reviewing the level of confidentiality, herewith requests that the 40 admitted documents be reclassified as public and submits those documents with proposed redactions highlighted in yellow color, to enable their reclassification.

7. Appended to this request is Annex A that lists the 40 admitted documents. The Annex for each of them states its current classification as confidential and requests the reclassification as public.

8. Annexes 1 to 40 are also appended. Annexes 1 to 4 represent the reports of two experts (CAR-OTP-PPPP-0221 and CAR-OTP-PPPP-0222) and their translations. Annexes 5 to 40 represent the statements of six witnesses (CAR-OTP-PPPP-0042, CAR-OTP-PPPP-0073, CAR-OTP-PPPP-0209, CAR-OTP-PPPP-0006, CAR-OTP-PPPP-0009,

⁶ ICC-01/05-01/08-2931-Conf-AnxA, Prosecution's Submission pursuant to the Order on the Classification of Items admitted into Evidence, 10 January 2014.

CAR-OTP-PPPP-0023) and their translations. The Prosecution has applied yellow highlights in respect of the information it seeks to be redacted.

IV. Relief Sought

9. For the foregoing reasons, the Prosecution respectfully requests that the Chamber authorize the redactions proposed to the 40 admitted documents and reclassify the 40 admitted documents as public.



Fatou Bensouda, Prosecutor

Dated this 24th Day of January 2014

At The Hague, The Netherlands